

WIRELESS CONSUMERS ALLIANCE INC.

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FEDERAL COMMUNICATIONS COMMISSION

February 1, 1999

Magalie Salas
Secretary
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, DC 20554

Re: Ex Parte Information
CC Docket 94-102

Dear Ms. Salas:

On January 25, 1999 I met with Mr. John Cimko and Nancy Booker and, later in the day, with Mr. Ari Fitzgerald in Chairman's Kennard's office regarding the above referenced docket. In the meeting I provided the attached information regarding an accident that occurred in Kansas where the victims were unable to connect with the closest cell site due to the lack of strongest signal technology.

Sincerely,



Carl Hilliard

attachment

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**WIRELESS CONSUMERS
ALLIANCE, INC.**

***REPORT CONCERNING THE
CONSEQUENCES OF THE
FAILURE TO CONNECT
A 911 EMERGENCY CALL
TO THE CELL SITE WITH
THE STRONGEST SIGNAL***

February 1999

Keith Blomme, his wife Denise and their two small children, Brandon age nine and Lauren age four, were driving south on highway 27 in rural Kansas at 10:20 p.m. when their car hit a deer and skidded into oncoming traffic. (Tab 1). Mr. Blomme was severely injured and trapped in his vehicle. His wife and children were able to extricate themselves from the wreck. The driver of the other car, Mr. Lampe, was also trapped in his car. His wife was able to exit his vehicle. A call to 911 was made by cellular telephone and connected to a cell site which delivered the call to Colby, some 42 miles away. (Tab 2). The caller attempted to describe the location of the accident to the dispatcher who apparently assumed that the accident must be in the vicinity of Colby and immediately started emergency vehicles from there in search of the accident. After failing to find the scene of the accident, the Colby emergency personnel asked the Highway Patrol in Goodland to start a search in that area. An officer was dispatched who located the accident scene approximately 45 minutes after the collision occurred. However, the Blomme vehicle caught fire and burned 25 minutes earlier, apparently killing Mr. Blomme as his horrified family and others stood by helplessly. (Tab 3). The descriptions of this scene and its aftermath are heart rendering.

Strongest Signal

Wireless Consumers Alliance is a nonprofit corporation which was organized to continue the initiatives of the Ad Hoc Alliance for Public Access to 911 ("Alliance") in Docket 94-102. On October 27, 1995, the Alliance proposed that the Commission require that cellular telephones automatically select the strongest available signal when 911 is dialed. ("Strongest Signal"). Had the cellular telephone used to report this accident been equipped to select the Strongest Signal the 911 call would have been routed to Goodland which would have dispatched emergency vehicles from the town of Wheeler, 5 miles from the accident. (Tab 4).

The Alliance has previously reported two accidents to the Commission which involved insufficient signal to complete the emergency calls. As demonstrated by the Alliance, the tragic results of these two incidents could have been avoided or mitigated had their cellular phones been equipped to use Strongest Signal. The Blomme tragedy shows another problem in rural areas which are served by widely spaced, high powered "boomer" cell sites. The value of being able to select the strongest and closest signal is apparent. If that cellular telephone had been equipped with the Strongest Signal, the call would have been connected to a nearby PSAP -- instead of one 40 miles away -- perhaps the difference between life and death for Mr. Blomme and surely help would have arrived in time to avoid the nightmarish results of the fire which his family and bystanders must live with today.

Broken promise to the consumer

It has been well documented that access to 911 is a major marketing tool for the cellular industry. An estimated 62% of cellular subscribers purchased service for safety and security reasons. These

consumers are provided with coverage maps which show wall to wall "seamless" service to users. (Tab 5). Since the accident, Denise Blomme purchased a cellular phone to keep in her car for emergencies. Despite the fact that her regular routes of travel are well within the advertised coverage area of her carrier, she has discovered that there are "holes" where she cannot use her cellular phone. Ms. Blomme says "There are many holes in the service, and I pray to God that I'm not in one when I need help."

Despite the fact that the promise of safety and security has been used to sell the public on the benefits of cellular service, the carriers obviously want to deliver as little of 911 service as possible. Notwithstanding the Commission's finding that the clear and compelling public interest requires that all 911 calls be connected without regard to the identity and status of the caller, the wireless industry continues to resist that public service obligation by any means possible. Strongest Signal is a case in point. Strongest Signal increases both the number of connectable 911 calls and the probability that a cellular carrier will have to handle more emergency calls from nonsubscribers. In order to avoid these unwanted calls, the cellular industry has spewed out a series of baseless "concerns" which have had the desired effect of confusion and three years of delay. The fact that lives are at stake is apparently of little concern to the wireless industry who have consistently put their commercial interests first.

Conclusion

The Commission has a clear responsibility to protect the interests of consumers in the use of the billions of dollars of the public's airwaves that have been gifted to the cellular industry. The Commission has determined that the public interest requires the cellular industry to use these airwaves to carry emergency 911 messages without regard to the status of the sender. The stubborn resistance to carry out the spirit and intent of that directive is manifest in the bad faith resistance to Strongest Signal by the wireless industry and its supporters. Strongest Signal will deliver more 911 calls and that is the reason for the implacable opposition by the wireless industry and those who curry its favor to this 3-year-old proposal. The wireless industry simply wants to shuck off the responsibility of doing both what it promised the public and is its public service obligation. There will be more Spielholz, Lechuga and Blomme incidents where Strongest Signal would make a difference. Indeed, more are already surfacing.

INDEX

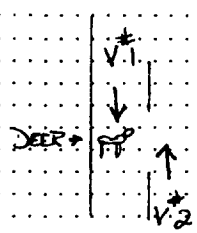
TAB 1	Accident Report
TAB 2	News Report
TAB 3	Pictures
TAB 4	Site Maps
TAB 5	Coverage Map

- ☒ Fatal
☐ Injury
☐ PDO OVER \$500+
☐ PDO UNDER \$500
☐ Private Property

STATE OF KANSAS
MOTOR VEHICLE ACCIDENT REPORT
DOT FORM NO. 850
Rev. 1-95

- ☐ Hit & Run Accident
☐ KDOT Property Damage
☐ KDOT Construction Zone

12-3-96
40 neg 9600630

Milepost 194.7	COUNTY CN	ON Road K-27	Speed Limit 65	CITY —	Photos By K-445	Local Case Number 72-10-96	Page of 112
Distance 5.3	FUMI mi	Dir. S	<input checked="" type="checkbox"/> FROM <input type="checkbox"/> AT Road K-27 U-36 JCT	Speed Limit —	Investigating Dept. KHP	Investigating OFFICER/BADGE Number J.D. RILEY K-387	Reviewed By K-440
COLLISION DIAGRAM (Show Unit Movements, Roads)				Describe pre-crash movement or action and direction of vehicles and pedestrians by traffic unit number.		DATE of ACCIDENT	
				V#1 WAS SOUTH BOUND ON K-27. V#1 STRUCK A DEER. AFTER HITTING THE DEER, V#1 SLID INTO V#2 WHO WAS NORTH BOUND ON K-27		11-24-96	
Object damaged and nature of damage (Show location in diagram)				Name and Address of object owner		TIME Occurred	DAY
						2220	54
						TIME Notified	DAY
						2231	54
						TIME Arrived	DAY
						2305	54

ON Road	Crit. Sec.	Sec. Milepost	AT Road	Distance	Unit	Dir.	Latitude	Longitude
County	City Code	Agency Code	Distance	Reference Road 1	Distance	Reference Road 2	Coder	Func. Class
			N	M	+	E	M	

Unit V1	<input checked="" type="checkbox"/> Driver <input type="checkbox"/> Ped NAME (Last, First and Initial) BLomme, KEITH, A	Phone <input type="checkbox"/> Work <input checked="" type="checkbox"/> Home 913-462-6562	Color MAR	YEAR 92	MAKE MERC	MODEL & BODY STYLE GRAND MARQUEE - 4DR	MC CCs —
Driver/Ped ADDRESS (Number, Street, City, State, Zip Code) 655 WEBSTER, COLBY, KS, 67701			STATE KS	LICENSE PLATE # LML 206	YEAR 97	Removed By: FROMHOLTZ	
DRIVER'S LICENSE STATE and NUMBER St. KS No. K00569417		CDL? N	DATE OF BIRTH 1-7-64	SEX M	VEHICLE IDENTIFICATION NUMBER 2MEICM714W14NE169108015		Odometer 73000
Registered OWNER FULL NAME ("Same" if Driver) SAME		Phone <input type="checkbox"/> Work <input type="checkbox"/> Home	TOTAL occupants in this vehicle 4	Fire? Y	Insurance Company ALLIED MUTUAL		

OWNER Address ("Same" if Driver) SAME	Special Data Area	Direction of Travel S	Policy Number
Special Conditions for unit above: <input type="checkbox"/> 01 Hit & Run <input type="checkbox"/> 02 Non-Contact <input type="checkbox"/> 03 Stolen <input type="checkbox"/> 04 Legally parked <input type="checkbox"/> 05 Police pursuit <input type="checkbox"/> 06 Driverless <input checked="" type="checkbox"/> 07 Towed away			

Unit V2	<input checked="" type="checkbox"/> Driver <input type="checkbox"/> Ped NAME (Last, First and Initial) LAMPE, BILLY, K	Phone <input type="checkbox"/> Work <input checked="" type="checkbox"/> Home 913-332-3050	Color MAR	YEAR 92	MAKE DODG	MODEL & BODY STYLE 3/4 TON PU	MC CCs —
Driver/Ped ADDRESS (Number, Street, City, State, Zip Code) 412 S. BENTON, ST. FRANCIS, KS, 67756			STATE KS	LICENSE PLATE # GX0628	YEAR 96	Removed By: FROMHOLTZ	
DRIVER'S LICENSE STATE and NUMBER St. KS No. 574-30-7713		CDL? Y	DATE OF BIRTH 4-15-36	SEX M	VEHICLE IDENTIFICATION NUMBER 1B7KE26C11N551381818		Odometer 185939
Registered OWNER FULL NAME ("Same" if Driver) SAME		Phone <input type="checkbox"/> Work <input type="checkbox"/> Home	TOTAL occupants in this vehicle 2	Fire? N	Insurance Company FARM BUREAU INC.		

OWNER Address ("Same" if Driver) SAME	Special Data Area	Direction of Travel N	Policy Number 129999
Special Conditions for unit above: <input type="checkbox"/> 01 Hit & Run <input type="checkbox"/> 02 Non-Contact <input type="checkbox"/> 03 Stolen <input type="checkbox"/> 04 Legally parked <input type="checkbox"/> 05 Police pursuit <input type="checkbox"/> 06 Driverless <input checked="" type="checkbox"/> 07 Towed away			

TRAF UNIT	SEAT TYPE	Last NAME	First Name	Initial	ADDRESS (Number, Street, City, State, Zip)	SEX	AGE	S.E. USE	EJECT TRAP	INJ SEV	EMS UNIT
V1	01	BLomme	KEITH	A	655 W. WEBSTER, COLBY, KS, 67701	M	32	S	T	F	C
V1	03	BLomme	DENISE	M	"	F	29	S	N	P	A
V1	04	BLomme	BRANDON	J	"	M	9	S	N	P	A
V1	06	BLomme	LAUREN	E	"	F	4	C	N	D	A
V2	01	LAMPE	BILLY	K	412 BENTON, ST. FRANCIS, KS, 67756	M	60	N	N	D	C
V2	03	LAMPE	GERI	M	"	F	55	N	N	D	C

E Unit M S A	INJURED TAKEN BY CN. Co. 7	E Unit M S B	INJURED TAKEN BY CN. Co. 7	E Unit M S C	INJURED TAKEN BY KADDEL FUNERAL HOME
	INJURED TAKEN TO: ST. FRANCIS HOSPITAL		INJURED TAKEN TO: ST. FRANCIS HOSPITAL		INJURED TAKEN TO: KADDEL FUNERAL HOME

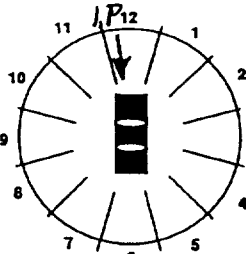
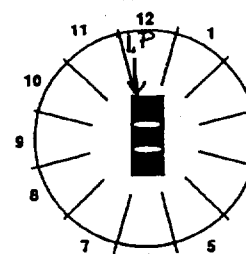
INVESTIGATIVE - FATALITY REPORT KDOT 96D0630

COUNTY	ON Road	CITY	DATE of Accident	<input checked="" type="checkbox"/> Fatal, narrative & diagram on fatal accident (required by State) <input type="checkbox"/> Investigative Report	Page of
CN	K-27		11-24-96		212
STATE USE ONLY		INVESTIGATIVE DEPT.	TIME Occurred	Day	Invest. OFFICER/BADGE No.
		KHP	2220	Su	JD. RUIE 1387
					Local Case Number
					12-10-96

OFFICER OBSERVATIONS *

- V#1 WAS SOUTH BOUND ON K-27 AT M.P. 194.7
- V#1 STRUCK A DEER THAT WAS STANDING IN THE SOUTH BOUND LANE OF K-27
- V#1 THEN SLID INTO THE NORTH BOUND LANE OF K-27 AND WAS STRUCK HEAD ON BY V#2 WHO WAS NORTH BOUND ON K-27
- V#1 CAME TO REST FACING WEST IN THE SOUTH BOUND LANE
- V#1 WAS OVERCOME BY FIRE, V#1 DRIVER KEITH BLOOME WAS TRAPPED INSIDE THE VEHICLE
- KEITH BLOOME WAS PRONOUNCED DEAD AT THE SCENE BY DOCTOR DODY LSSORD
- V#2 CAME TO REST FACING WEST IN THE EAST DETCH
- THE THREE PASSENGERS FROM V#1, THE DRIVER OF V#2 AND HIS PASSENGER WERE ALL TRANSPORTED BY AMBULANCE TO THE ST FRANCIS HOSPITAL
- * VEH #1 CONSUMED BY FIRE - NO INVENTORY
- * VEH #2 REMOVED BY FRIMMELTZ PRIOR TO K-387 BEING ASSIGNED ACCIDENT SCENE BY SGT. WINSTON.

FATALITY DATA

TIME EMS NOTIFIED	EXTRICATION WAS REQUIRED FOR THE FOLLOWING PERSONS	SPECIAL JURISDICTION	VEHICLE 1 DAMAGE	VEHICLE 2 DAMAGE
2222		010	FRONT P12	FRONT P12
TIME EMS ARRIVED	KEITH A. BLOOME	00 Not Special 01 National Park Service 02 Military 03 Indian Reservation 04 College/University Campus 05 Other Federal properties 88 Other 99 Unknown		
2235			<input type="checkbox"/> Undercarriage <input type="checkbox"/> No Damage	<input type="checkbox"/> Undercarriage <input type="checkbox"/> No Damage
TIME EMS ARRIVED AT HOSPITAL			65 Estimated Speed, MPH	65 Estimated Speed, MPH
N/A				

IMPACT POINTS: Show initial impact point by arrow and label "I".
Show principal impact point by arrow and label "P".

Subject: Dispatchers cite cell phone shortcomings (11/10/1998)
Date: Wed, 11 Nov 1998 13:27:43 -0800
From: Jon Linkous <linkous@idi.net>
Organization: American Telemedicine Association
To: "carl@vianet-cos.com" <carl@vianet-cos.com>

<http://www.wichitaeagle.com/news/regional/911cell11110.htm>

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Updated **TUESDAY** November 10, 1998



Dispatchers cite cell phone shortcomings

Emergency workers say calls from cellular phones sometimes make it more difficult to track people in trouble.

By Phyllis Jacobs Griekspoor
The Wichita Eagle

With your trusty cell phone in the car, you set off across the country, knowing that if you run into trouble, help is at your fingertips.

But that may not be as true as you think.

Calls made from wireless phones don't pop up on 911 communication screens, giving the phone number and location of the caller the way a call from a hard-wired phone does.

"Without a location, we can't automatically dispatch help, and without a number, we can't call back if the call gets interrupted," said Diane Gage, director of emergency communications for Sedgwick County. "With more and more people relying on cell phones or PCS (wireless digital) phones, it's a growing problem."



Nadine Sinclair dispatches calls to police officers on Wichita's east side from the Sedgwick County 911 Communications Center. Dispatchers say calls from wireless phones — which do not provide a phone number or location of the call — are an increasing problem. Technology to provide that information is in the works, and 911 centers are looking for ways to finance upgrades of their equipment.

(Craig Hacker photo)

Gage said Sedgwick County's 911 system hasn't tried to keep track of how many wireless calls are coming in, but she knows the numbers are going up at a steady rate.

"We get a lot more calls a lot quicker when something happens like a car accident at a major intersection," she said. "No longer does someone have to drive to a phone and call.

"And that's sort of a two-edged sword. It helps us in that we find out about a situation quicker. But we get a lot more duplicate calls on the same event than we used to."

Jim Hammond, a manager at Sunnyside Nursery in Wichita, is sure that a fair number of those calls have been made by him and his co-workers.

"We have people all over the city and the new construction areas every day," he said. "We see all kinds of things -- accidents, stuck train signals, traffic lights that are out, trees in the road, you name it -- and we always call in what we see."

Multiple calls on the same traffic accident or downed power line are nothing compared with a call for help from a person who knows only that she's "somewhere on I-70" or "on the Turnpike," Gage said.

And, she said, it's amazing how many people can't give the number of their cell phone.

"Their daughter's boyfriend probably knows," she said, laughing. "And their husband or wife probably knows. But they can't tell you."

Then there's every emergency dispatcher's nightmare: The call comes in and a little voice says, "Our car went off the road and my mommy won't wake up."

Dealing with a child too young or too scared to provide needed information is a challenge even when there's a number and address available.

But with neither available, it's frightening, Gage said.

Technology that will provide emergency services access to the numbers of wireless phones has been developed, Gage said, and Southwestern Bell has test studies going on in three markets to determine how best to implement a tracing service.

The Federal Communications Commission has already addressed the issue, requiring that wireless telephones be able to send out a signal that provides the number of the phone by 1999, and coordinates that pinpoint the location of the signal by 2001.

The problem is, that will require 911 to buy new equipment to take advantage of the new technology -- and that will take both time and money.

FOR YOUR OWN SAFETY

Wireless phone users can take simple steps to ensure that 911 help arrives quickly if they need to make a call.

Write your wireless phone number on a small piece of paper and tape it to the phone or keep it in the car where it's readily available.

Stay on the phone until the operator has needed information, including a way to call you back.

Keep track of where you are on the road. Take note of the highway number and the milepost markers. At the very least, know what two towns you are between and what direction you are from the nearest town.

Watch for landmarks. Emergency workers are familiar with highway exits, radio towers, unique buildings or geographical features and can use your description to find you.

"We are going again to the state Legislature this year, asking for authority to extend the current 911 tax that applies to land line phones to wireless phones," said Mary Nessamore, who represents Kansas in the Association of Public Safety Communications Officials International organization. "That would give us the money to implement new technology as it is developed."

The communications industry has consistently lobbied against extending the tax to wireless phones, and the issue has failed to make legislative headway in recent years.

In the past, lobbyists have argued that most wireless phone users also have residential service and already pay a tax for 911 service.

Current technology gives 911 the phone number of the tower that is receiving the signal from the wireless phone. That tells operators the general vicinity of the call, especially in heavily

populated areas like the Wichita metropolitan area and northeastern Kansas, where towers are close together.

And, given time, if a signal is hitting more than one tower, operators can triangulate a location for the call.

In western Kansas, where towers are few and the miles between them are many, locating a tower is not as useful.

"Out in the nowhere reaches of I-70, everybody has a wireless phone," said Nessamore, who works as director of emergency communications for Sherman County in northwestern Kansas. "Fully one-third, maybe as many as half, of our 911 calls are from wireless phones."

The effort to find and help callers can be frustrating. Not finding them in time can be tragic.

"I can remember a case not that many months ago when a man died in a burning car," Nessamore said. "For whatever reason, the phone signal was skipping and it kept hitting the Colby tower, not the Goodland tower, which was closer.

"They couldn't find him, and by the time they did, it was too late," she said.

Nessamore said she is hopeful that the Legislature will be receptive to a 911 fee on wireless phones and that when technology is developed, centers will be ready to implement it right away.

For his part, Hammond said he's in favor of whatever it takes to ensure that 911 can find a caller in trouble.

He has made sure that his mother, a widow, has a cell phone and that she keeps it with her at all times.

"I want her to be able to dial that phone and get help," he said. "If that means helping pay for 911 to get technology, that's fine with me."

Other users are not so sure.

Jay Greeno, a Wichita attorney, said he uses his wireless phone primarily for business calls, not for emergencies, and he doesn't think he should have to pay extra for 911 to locate his phone.

Nessamore argues that the fee -- which varies by county but has an upper limit of 75 cents a month -- is small compared with the safety net that 911 provides.

"I guess what it boils down to is a question of how much your life is worth," she said. "Is 75 cents a month, \$9 a year, too much to pay to know help is on the way for you or your family?"

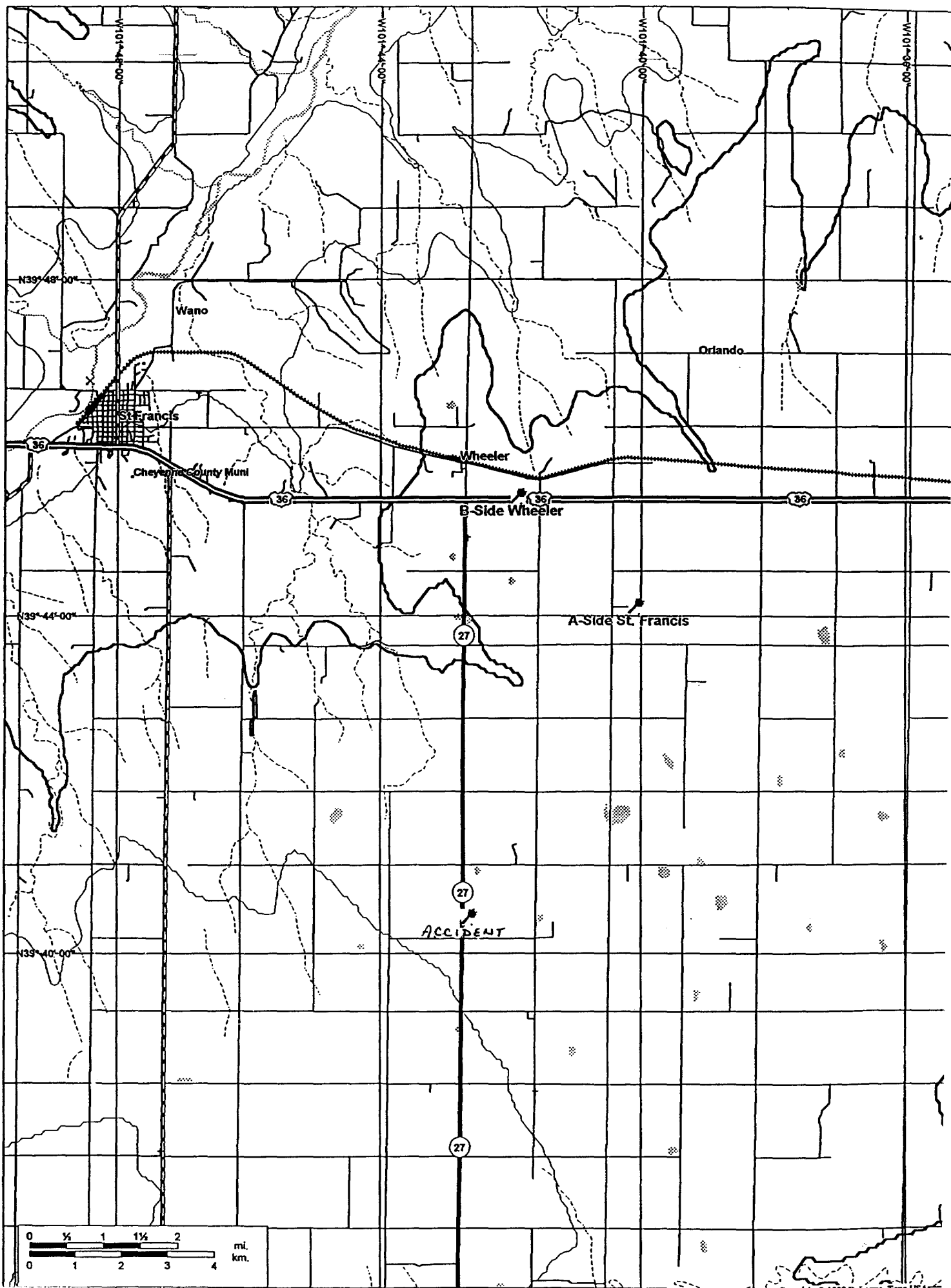
Phyllis Jacobs Griekspoor can be reached at 268-6660 or pgriekspoor@wichitaeagle.com

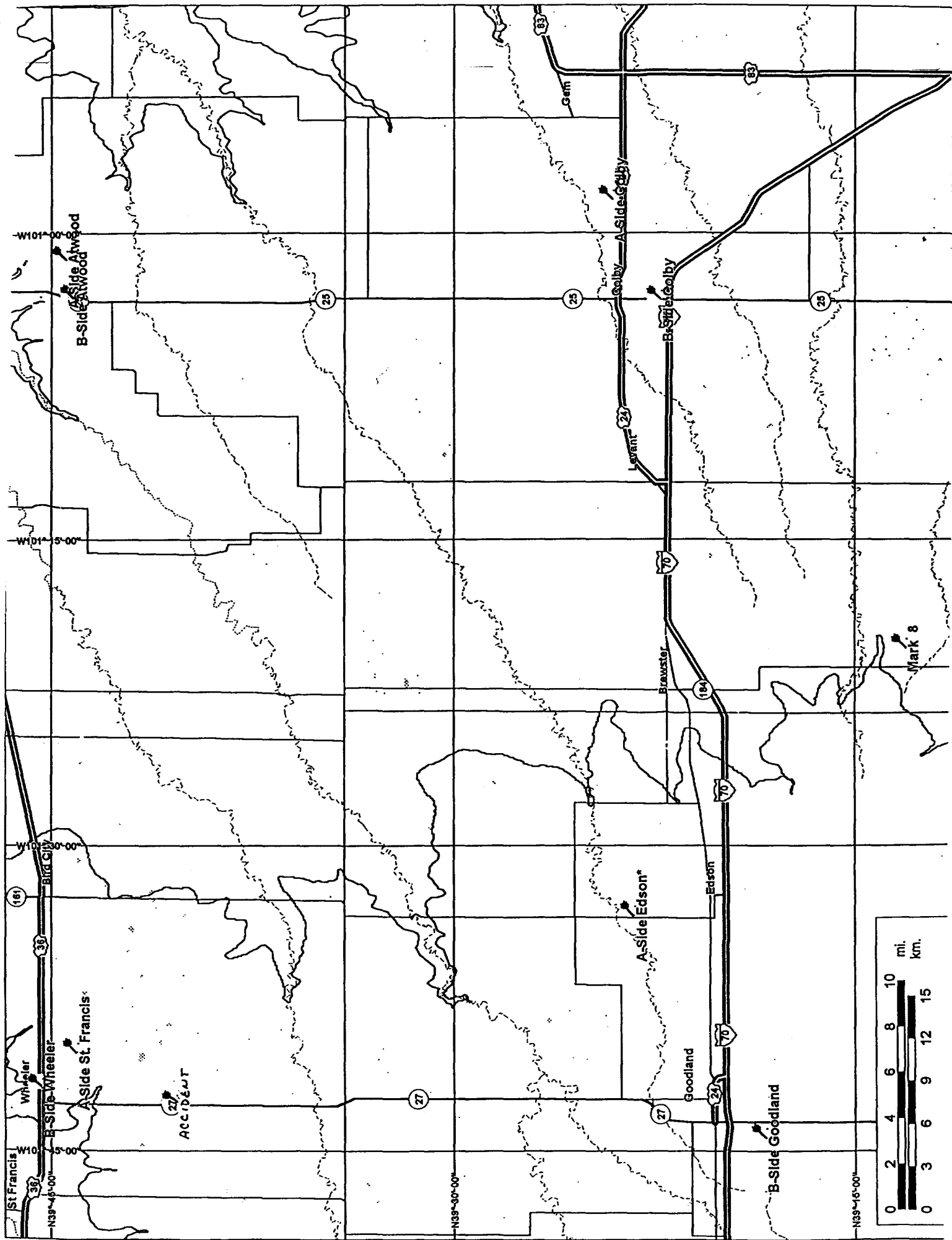
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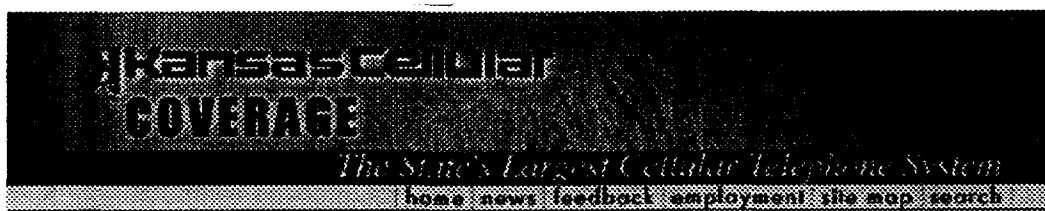










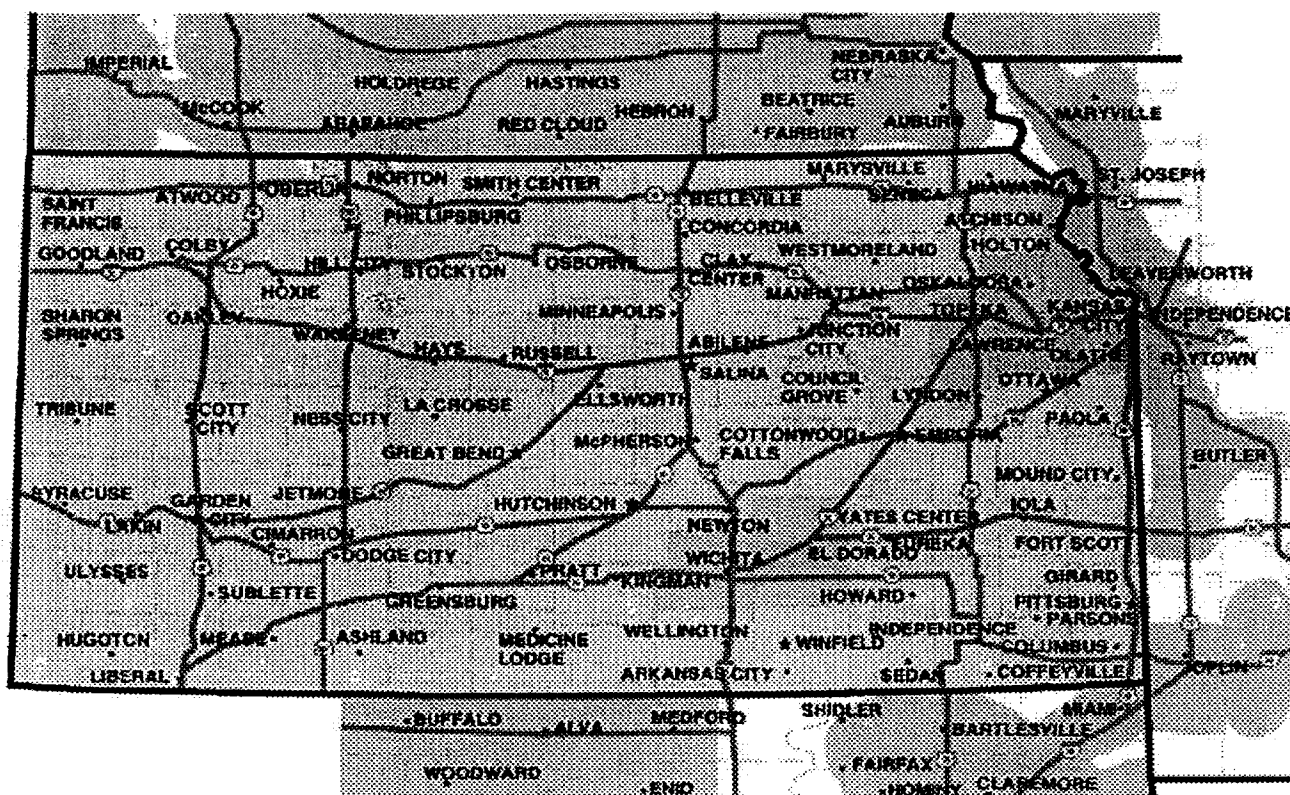

[Roaming Map](#)
[Coverage Map](#)

Kansas Cellular

The State's Largest Cellular Telephone System

COVERAGE AREA

ONE
STATEWIDE
SUPERSYSTEM
With Over
140 Towers!
35% MORE COVERAGE
than all the
competitors combined



"B" SIDE SERVICE

- ☐ Kansas Cellular Coverage Area*
- ☐ Future Coverage Area*
- ☐ Freedom Across Kansas Plus Coverage Area

"A" SIDE SERVICE

- ☒ Kansas Cellular Coverage Area*
- ☐ Freedom Across Kansas Plus Coverage Area

FREEDOM ACROSS KANSAS
Five State Coverage

*Actual coverage may vary due to atmospheric conditions, terrain or customer equipment.

**Based on recent FCC September 1996 Kari

*Actual coverage may vary due to atmospheric conditions, terrain or customer equipment.

** Based on recent FCC filings.

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